



October 3, 2001

Ms. Mary Cottrell
DTE Electric Power Division
One South Station
Boston, MA 02110

RE: DTE 01-54 –CONFIDENTIALITY OF CUSTOMER USAGE

Dear Ms. Cotrell:

The Massachusetts Chapter of NAIOP (National Association of Industrial and Office Properties) is the Forum for Commercial Real Estate representing the industry through its legislative affairs efforts, educational programs, and its continual research into critical issues of business development. NAIOP is a leading voice for commercial real estate in the state and represents the interests of companies involved with the development, ownership, management and financing of commercial and retail properties. Our membership consists of over 570 members representing more than 300 companies that own or manage in excess of 140 million square feet of office, research & development, industrial, and retail space in the Commonwealth.

The Massachusetts Chapter of NAIOP understands that the issue has come up of the distribution electric companies' required disclosure of specific customer's commercial usage information to competitive suppliers. This is within the context of a rulemaking of the Department of Telecommunications and Energy regarding "Competitive Market Initiatives" in the above-referenced docket.

NAIOP and its members strongly believe that based on G.L. c. 25, s. 5D (trade secrets, confidential, competitively sensitive or other proprietary information), this data should not be freely available to the "competitive suppliers" without customer authorization. The cost of electricity for a building is considered by commercial owners as competitively sensitive information. This data provides information about the cost structure of a commercial property and should be kept confidential as it may impact the property owner's marketing of its property.

Property owners want to keep energy data confidential and allow energy suppliers access to the data during a bid process through an owner's request for proposals with a confidentiality clause. NAIOP requests that the Department not allow the electric distribution companies disclosure of this commercially

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sensitive data for commercial property owners to be made available to competitive suppliers without specific customer authorization.

Sincerely,

NAIOP, MASSACHUSETTS

National Association of Industrial and Office Properties

David I. Begelfer

Chief Executive Officer

cc: James Connelly, Chairman, DTE
Mr. Barry Perlmutter, DTE Electric Power Division
Joseph Rogers, Esq., Assistant AG
David L. O'Connor, Commissioner Division of Energy Resources